IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

WP(C).No. 8245 of 2004(F)

PETITIONERS:
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1. V.P.RAGHAVAN, S/O.V.P.KUNHAPPA, AGED 57 YEARS, HILL VIEW, VADUVANKULAM, P.O.KUTIATTOOR 67 0 602, KANNUR DISTRICT, (HIGH SCHOOL ASSISTANT, (PHYSICIAL SCIENCE) GOVERNMENT VOCATIONAL HIGHER SECONDARY SCHOOL, EDAYANNUR).

2. K.P.INDIRABAI, AGED 45 YEARS, W/O.P.KAMALAKSHAN, ASSISTANT EDUCATIONAL OFFICER, IRIKKUR P.O. IRIKKUR, KANNUR DISTRICT.

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS: 1
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1. THE STATE OF KERALA REP. BY THE SECRETARY TO GOVERNMENT, FINANCE (PRU-1)DEPARTMENT SECRETARIAT, TRIVANDRUM.

2. THE ACCOUNTANT GENERAL (A&E)KERALA, TRIVANDRUM.

3. THE DEPUTY DIRECTOR OF EDUCATION, KANNUR P.O. KANNUR - 2.

4. THE PRINCIPAL, GOVERNMENT VOCATIONAL HIGHER SECODNARY SCHOOL, P.O. EDAYANNUR, KANNUR DISTRICT.

BY GOVERNMENT PLEADER SRI. K.R.DEEPA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 8245/2004 F

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE INTERIM ORDER IN CMP NO. 629/01 IN OP NO. 429/01 DT. 4/1/2001.

EXT.P3. COPY OF THE JUDGMENT IN OP NO. 429/01 DT. 18/11/02.

EXT.P3. COPY OF THE AUDIT OBJECTION OF THE PETITIONERS DATED NIL.

EXT.P4. COPY OF THE LETTER OF THE R4 DT. 5/12/2003.

EXT.P5. COPY OF THE LETTER NO. GE. 23/01-69/425 OF THE R2 DT. 15/7/2003.

EXT.P6. COPY OF THE STATE EXPRESS TELEGRAM (P16/PEN.A 1450/BX/14 OF THE R2 DT. 03/04/2002.

EXT.P7. COPY OF THE LETTER NO. P7/PEN.A/1207/MM/02-03/60 OF THE R2 DT. 6/5/2003.

EXT.P8. COPY OF THE ORDER NO. 65419/PRC-C1/94/FIN OF THE GOVT. DT. 15/10/94.

EXT..P9. COPY OF THE GO P NO. 952/95/63/FIN OF THE GOVT. DT. 5/12/995.

EXT.P10. COPY OF THE ORDER NO. 72339/PRU/1/95/FIN OF THE GOVT. DT. 26/12/95.

EXT.P11. COPY OF THE GO P NO. 615/97/138/FIN OF THE GOVT. DT. 28/6/1997.

EXT.P12. COPY OF THE APPEAL PETITIONERS OF THE R1 DT. 30/12/2003.

EXT.P12A. COPY OF THE -DO- OF THE P2 DT. 30/12/2003.

EXT.P13. COPY OF THE GO P NO. 206/2003/FIN OF THE GOVT. DT. 5/4/2003.

RESPONDENT'S EXHIBITS NIL.

True copy

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KURIAN JOSEPH J.

W.P.(C) No.8245 of 2004

Dated 13th July, 2007.

J U D G M E N T

The issue whether an incumbent making re-option is entitled to have the effect of re-option from the date of option as exercised by the incumbent, is covered in favour of the petitioner by the Bench decision of this Court in **State of Kerala v. Lissy Joseph (**2005(4) KLT SN 97), wherein it has been held that it is the date of effect of reoption and not the effect of exercise of reoption that is material. The impugned orders are quashed. If any benefits are withheld on that count, the same shall be disbursed expeditiously.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO. OF 200

J U D G M E N T

Dated 13th July, 2007.